श्री बलबीर सिंह : गलत पासपोर्ट बनाने के सिवाय और चारा क्या है ?

श्रीमती कमला सिन्हा : मैडम, एक व्यक्ति नाम बदलकर, गलत पासपोर्ट लेकर जाए, यह तो आफेन्स है, यह तो क्रिमिनल आफेन्स है... (व्यवधान)

श्री बलबीर सिंह : पासपोर्ट मैं नहीं बनाता, पासपोर्ट आपका महकमा बनाता है, पासपोर्ट मैं नहीं बनाता ।

उपसभापति : आपसे नहीं कह रही हैं । वे कह रही हैं कि जिसने ऐसा काम किया, गलत पासपोर्ट बनाना तो एक जुर्म है।

श्री बलबीर सिंह : ऐसा क्यों करना पड़ता है, इस पर आपको विचार करना चाहिए... (व्यवधान)

SHRI O. RAJAGOPAL: Madam, just now an explanation was given by the hon. Minister that they had ascertained it from the UAE Government and that they had said that they did not make any distinction on the basis of religion. But even now advertisements appearing in different newspapers in Kerala specifically say only those who do not belong to Hindu religion need apply. It means only Muslims and Christians need apply. This sort of advertisements are regularly appearing in the newspapers in Kerala. I would like to know from the hon. Minister whether the Government will take action against those people who are advertising in this manner and whether it is with the knowledge of the Government. I would also like to know whether entering into such contracts in this country on the basis of religious distinction can be allowed or not.

SHRIMATI KAMLA SINHA: Your suggestion is well taken. We will inquire into the matter and take action.

THE DEPUTY CHAIRMAN: I think so many supplementaries have been asked on this question. We have other questions also. Question No. 323.

Nepalese and Indians settled in each other's territory

*323. DR. B. B. DUTTA: Will the PRIME MINISTER be pleased to state:

(a) whether, under the provisions of Indo-Nepal Peace and Friendship Treaty of 1950, Indians and Nepalese enjoy the right of reciprocal movement into each other's territory, settle there, and undertake trading activities or take up jobs; and

(b) if so, the number of persons from Nepal who have settled, those who have taken up jobs and those doing business in India under the provisions of the Treaty as on date, and the corresponding figures of Indians in Nepal?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI KAMLA SINHA): (a) and (b) A statement is laid on the Table of the House.

Statement

Articles 6 & 7 of the 1950 Treaty state as follows:

Art. 6 "Each Government undertakes, in token of the neighbourly friendship between India and Nepal to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and to the grant of concessions and contracts relating to such development."

Art. 7 "The Governments of India and Nepal agreed to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation

in trade and commerce, movement and other privileges of a similar nature."

2. The border between India and Nepal is open for movement of Indian and Nepali nationals. As a result, no precise estimate exists of the strength of the Indian community in Nepal or the Nepalese community in India due to the absence of any workable mechanism to monitor the movement of nationals of both countries across the border.

3. According to the 1991 census figures of the Government of India, the number of Nepalese nationals, on the basis of their declared place of birth, is 4,78,694; and on the basis of their declared last place of residence, is 4,36,518 (excluding J&K). The majority of Nepalese nationals in India are employed as domestic help, security guards, in small businesses and unskilled jobs, as plantation workers etc., and in the Indian armed forces.

4. As per the Nepalese census of 1991, there were 68,489 Indian citizens residing and working in Nepal. The figure for the number of people who declared their place of birth as India was 4,18,982. The majority of Indian citizens residing in Nepal are mainly engaged in industry, trade, teaching and semi-skilled jobs

DR. B. B. DUTTA: Madam, the relationship between India and Nepal is too precious and we have to guard it properly. There is one emotive issue which has been threatening to plague our relationship off and on. Some fear is being created among Nepalese people by some political parties and some groups and even by some intellectuals, including some top intellectuals from Nepal, that under articles 6 and 7 of the 1950 Treaty the Indians are threatening to swamp the Nepalese people in business and trade, whereas on this side there is a feeling that under this provision many more Nepalese are entering into India and are enjoying reciprocal rights of citizenship. My question is this. What is the exact number of people who have come from Nepal to India and who have gone from India to Nepal? Under articles 6 and 7 of the 1950 Treaty how many people have come from Nepal to India? What status are they enjoying? How many people have gone from India to Nepal? In the answer the Minister says:

> "No precise estimate exists of the strength of the Indian community in Nepal or the Nepalese community in India due to the absence of any workable mechanism to monitor the movement of nationals of both countries across the border."

My question is this. Why can't a workable mechanism be developed? What is the problem? We have got elaborate demography. We have got statistical aids available with us. Then what is the problem? Why can't we enumerate the people coming from that side to this side and those going from this side to that side? Kindly clarify it.

SHRIMATI KAMLA SINHA: Madam, the hon. Member is aware of the fact that we have an open border with Nepal. We have border checkposts. If people come through these checkposts then only they can be counted. But if they come from other areas, they cannot be counted. How many people came from Nepal, it is listed here. As per the Nepalese Census 1991, there were 68,489 Indian citizens residing and working in Nepal. As per our 1991 Census there were nearly 6,00,000 Nepalese people, are residing in India. But we know that the number is much more than what has been stated here. It is because of the fact that people do not come through the checkposts. They just cross the border. The mechanism that we can have is we can introduce

a passport system. But have a Treaty with Nepal. As I have already stated, they can cross the border under that Treaty and they have a right to reside in our country.

The 1950 Treaty says:

"Each Government undertakes, in token of the neighbourly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participating in industrial and economic development of such territory and to the grant of concessions and contracts relating to such development.

The Government of India and Nepal agreed to grant, on a reciprocal basis, to the nationals of the country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature."

This is the situation.

DR. B. B DUTTA: This Treaty is being violated from the Nepalese side You are well aware that the Indian citizens who are entering into Nepal under this provision are being debarred from taking jobs there. There are restrictions on owning houses and property, on owning trucks, on plying transport etc. Indians are being subjected to all these restrictions while the Nepalese on this side can own land, houses, they can do business they can apply for Government jobs—that is another thing how many jobs they get. But they are entitled to apply for those jobs. So, you are creating these irritants. My question is this Why can't we take an objective view? People enter through each and every route. Once they have entered my territory which is under my command. I should know how many people have entered. I must have some mechanism. Otherwise I am not administering my territory. I don't understand it.

THE PRIME MINISTER (SHRI I. K. GUJRAL): Dr. Dutta is very well aware of the quality of relationship we are having with Nepal You have talked about objectivity. Objectivity demands that this type of unique relationship is sustained. I think both the countries gain a lot from it. On one issue or the other, there can be differences from time to time, and those are sorted out in a friendly spirit. I value Indo-Nepal friendship far more than anything else.

श्री राजनाथ सिंह "सूर्य" : उपसभापति महोदय, म माननीय प्रधान मंत्री जी को इस बात के लिये धन्यवाद देता हूं कि उन्होंने कहा कि भारत और नेपाल के संबंधों की एक विशेष स्थिति है और उसको ध्यान मे रखकर विषयों को लेना चाहिये । इसलिये भारत नेपाल के बीच जो आवाजाही का नियम है उसमें बहुत अधिक परिवर्तन की आवश्यकता है । परन्तु मैं तथ्य की ओर ध्यान आकर्षित करते हुये प्रधान मंत्री से जानना चाहूंगा कि यह जो आवाजाही का नियम है और नेपाल से हमारे विशेष संबंध है, इन संबंधों को देखते हुये ऐसे लोग जो कि हमारे देश के किसी राज्य मे अपराधिक कृत्यो मे वांछित है, उन्हे यदि नेपाल मे विशेष प्रोत्साहन मिलता है, समद सदस्य बनाया जाता है या मंत्री बनाया जाता है, ऐसी स्थिति में ऐसे लोगों के बारे मे, विशेष रूप से नेपाल सरकार से जब भी बातचीत होती है, तो उस मुद्दे को उठाने का प्रयत्न किया जायेगा?

SHRI I K GUJRAL: Of late, there were some complaints about people coming to India for terrorist activities from third countries And I must say to the credit of the Government of Nepal that they have been very cooperative with India. So far as some people having entered public life, etc is concerned, if specific cases are brought to my notice, I will bring it to the notice of the Nepalese Government.

श्री नरेन्द्र मोहन : आदरणीय प्रधान मंत्री का धन्यवाद कि उन्होंने स्पष्टीकरण दिया लेकिन यह स्पष्टीकरण अधूरा है। जो खुली सीमाएं हैं इनकी वजह है हम कोई प्रतिबंध नहीं लगा सकते हैं। लेकिन खुली सीमाए देश के अन्य पड़ोसी देशों के साथ भी हैं तो उन पर नियंत्रण करने के लिये उन्होंने कोई तंत्र बनाया है। अत: प्रश्न था कि क्या ऐसा कोई तंत्र बनाया जा सकता है जिससे नेपाल के लोग भारत में आते है तो उनके बारे में सही जानकारी एकत्रित की जा सके?

एक बात और है प्रधान मंत्री जी कि नेपाल के जो लोग भारत में आकर बस गये है और एक प्रकार से उन्होंने नागरिकता तक प्राप्त कर ली है और यह स्थिति ऐसी बन गई है कि जब चुनाव होते हैं तो उस अवसर पर उनकी एक विशेष भूमिका बन जाती है जबकि भारत के जो लोग नेपाल में रहते हैं उनके साथ वह स्थिति नहीं बन पा रही है। इन स्थितियों पर ध्यान रखते हुये क्या आप ऐसा तंत्र बनाने की सोचेंगे कि जितने नेपाली भारत में रह रहे है उनके बारे में वास्तविक जानकारी हमको मिल सके ? दूसरी बात और है जो भारतीय नेपाल में जाते हैं उन्हें वे समस्त सुविधाएं मिल सके जो उन नेपालियों को भारत में मिलती है, जो नेपाल में आकर यहां रह रहे हैं।

SHRI I. K. GUJRAL: Madam, I have just now submitted and I want to submit again for the attention of my hon friend who is very knowledgeable on this issue that the Indo-Nepal relationship has a uniqueness about it. And this type of relationship is of a very high value to us. Not only today, not only yesterday, for centuries this relationship has been there and we want to sustain it. Of course, aberrations come from time to time and sometimes one has to respond to them. As far as the difficulties of Indians residing in Nepal are concerned, particularly teachers we have been talking to Nepal time and again. I have myself personally taken up with the two respective Governments and they have been promising to sort it out. But at the same time, so far as the data of people there are concerned, you know India is a vast country and if the borders are open, then the census equipment or census system has to be further sensitised. But at the moment we are looking into it but kindly let us not give one impression, we need not go from this House, that is, under any circumstances we do not want to, I repeat that under any circumstances we do not want to revise the quality of the relationships that exist between our countries. We value them.

THE DEPUTY-CHAIRMAN: I think after the Prime Minister's clarifications, there is nothing left. Question No. 324.

Reply to M.Ps. Letters by Regional Passport Office Trichy

*324. SHRI N. THALAVAI SUNDARAM: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that replies to the letters sent by M.Ps. to the Regional Passport Office, Trichy, are not given;

(b) if so, the reasons therefor; and

(c) the steps taken to ensure that the replies to the letters from M Ps. are given by the above Office?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI KAMLA SINHA): (a) to (c) A statement is laid on the Table of the House.

Statement

(a) to (c) Although no separate instructions have been issued by the Ministry of External Affairs on the subject, all Passport Officers are expected to strictly follow the instructions laid down by the Government of India in the Manual of Office Procedure regarding